

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

TRACY HOLMES, )  
                  )  
Petitioner,     )                   8:10CV371  
                  )  
v.                )  
                  )  
                  )                   MEMORANDUM AND ORDER  
                  )  
Respondent.     )  
                  )

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This matter is before the Court on its own motion.

Petitioner filed the above-captioned matter on October 4, 2010 (Filing No. 1). However, due to certain technical defects, the petition cannot be further processed until such defects are corrected. To assure further consideration of the petition, petitioner must correct the defects listed below. **FAILURE TO CORRECT THE DEFECTS MAY RESULT IN DISMISSAL OF THE PETITION.**

First, petitioner has failed to name a respondent. Petitioner challenges the Nebraska's new sex offender law that requires him to remain registered as a sex offender for life. The question of whether petitioner is in "custody" for habeas corpus purposes cannot now be determined. Nonetheless, petitioner will have to amend his petition to state the person or persons who are allegedly restraining him.

Second, petitioner has failed to include the \$5.00 filing fee. Petitioner will be given an extension of time within which to pay this fee. However, this case will not progress

until the fee is paid, and if it is not timely paid, the petition may be dismissed.

IT IS ORDERED:

1. On or before November 12, 2010, petitioner must amend his petition to state the person or persons who are allegedly restraining him.

2. On or before November 12, 2010, petitioner must pay the \$5.00 filing fee.

3. The clerk of the court is directed to set a pro se case management deadline in this case with the following text: November 12, 2010: deadline for petitioner to amend petition to name respondent and deadline to pay \$5.00 filing fee.

DATED this 19th day of October, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge  
United States District Court

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